

ECS File: JPA-89-156
Phoenix File No.: 55774
Project: 60MA 161/H269201C
Section: Grand Avenue
19th Avenue to 7th Avenue

AGREEMENT

BETWEEN
STATE OF ARIZONA
AND
CITY OF PHOENIX

THIS AGREEMENT is entered into May 18th, 1990,
between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION ("State") and the CITY OF
PHOENIX, acting by and through its CITY COUNCIL ("City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.
 2. The City is empowered by Arizona Revised Statutes Section 48-572 and provisions in the City Charter Chapter 2, Section 2, to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.
 3. It is to the mutual advantage of the State and the City to participate in improvements to Grand Avenue (US-60) from the vicinity of Seventh Avenue/Van Buren Street northwesterly to Willetta Street, a distance of 1.3 miles, more or less, hereinafter referred to as the Project, incident to concurrent street improvements by the City to Fillmore Street and Tenth Avenue.
 4. This project alters the existing termination of Grand Avenue (US-60), and in accordance with Arizona Revised Statutes 28-1864 the State will abandon, and the City will accept, that section of Grand Avenue herein described.
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THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The City will:

a. Furnish plans, specifications and such other documents necessary for the Project. Incorporate State's review comments. Call for bids and award one or more construction contracts for the Project, administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation.

b. During the period of construction, bill the State monthly for its share of the Project. Total amount of billings shall not exceed one million dollars (\$1,000,000).

c. Upon completion of construction, approve and accept the Project.

d. Upon completion and acceptance, provide perpetual maintenance to the Project.

1. The State will:

a. Review the plans as prepared by the City and provide review comments as appropriate.

b. Provide specifications and special requirements to acquire the ADOT permit, as appropriate.

c. Remit payment to the City monthly for the design and construction of the Project, within 30 days of the receipt of billing. The total amount of billings to the State shall not exceed one million dollars (\$1,000,000).

d. Upon completion of the improvements, abandon to the City, that portion of Grand Avenue herein described.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

3. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

4. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

5. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Engineering Consultants Services
205 South 17th Avenue, Room 118E
Phoenix, AZ 85007

City of Phoenix
City Manager
251 West Washington
Phoenix, AZ 85003

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, A Municipal
Corporation, Marvin A. Andrews,
City Manager

STATE OF ARIZONA
Department of Transportation

By: *Sheryl L. Sculley*
SHERYL L. SCULLEY
Deputy City Manager

By: *Robert P. Mickelson*
ROBERT P. MICKELSON
Deputy State Engineer

ATTEST:

By: *Vicky Thiel*
Vicky Thiel
City Clerk

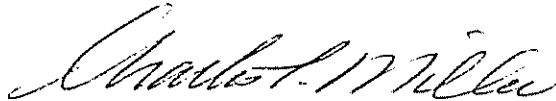
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RESOLUTION

BE IT RESOLVED on this 7th day of December 1989, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Phoenix for the purpose of constructing improvements to Grand Avenue from 7th Avenue/Van Buren to Willetta Street along with Fillmore Street and 10th Avenue.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.



CHARLES L. MILLER, Director
Arizona Department of
Transportation

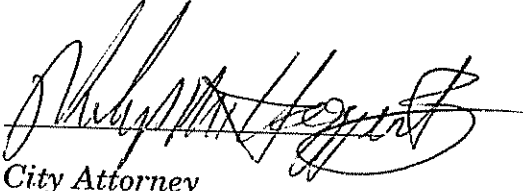
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APPROVAL OF THE CITY ATTORNEY

I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF PHOENIX, and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 24th day of February, 1990.

ACTING


City Attorney

PHM
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